

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANGEL E. NEGRÓN

NAME OF PLAINTIFF(S)

v.

NYC TRANSIT Authority

NAME OF DEFENDANT(S)

ORIGINAL
CV 12 - 2811
COMPLAINT

Jury Trial Demanded



BRODIE, J.

BLOOM, M.J.

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

☐

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Jurisdiction is specifically conferred upon this United States District Court by the
aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate
under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991,
Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

107 LAKEWOOD DRIVE
Street Address
PIKE, PA, 18337, 646-769-0208
County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at:

130 LIVINGSTON STREET
Street Address
KINGS, BROOKLYN, NY, 11201
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

130 LIVINGSTON STREET
Street Address
KINGS, BROOKLYN, NY, 11201
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes (check only those that apply).

☐ Failure to hire.
☐ Termination of my employment.
☒ Failure to promote.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.
☒ Retaliation
☒ Other acts (specify): VIOLATION of USERRA ACT

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:
11/2010 - 02/2011 - 10/2011.
 Date(s)

6. I believe that the defendant(s) (check one)

☒ is still committing these acts against me.
☐ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
 (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged)

☐ race _____ ☐ color _____
☒ gender/sex MALE ☐ religion _____
☒ national origin HISPANIC (PUERTO RICAN)
☐ age _____ My date of birth is: _____
☐ disability _____ Date

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

I WAS up FOR promotion to Surface Line Dispatcher
ON November 2010. WAS NOT Recommended due to
ATTENDANCE Record. I WAS Denied FMLA when I
Went BACK From the Persian Gulf after serving
my Country. I INFORMED NYCTA THAT they were in
VIOLATION of the USSERA Act and showed them proof.
they then GRANTED my FMLA BACK DATED. Reapplied
FOR Promotion 2 more Times Since Denied for
DIFFERENT REASONS Both Times An Amendment of this
Complaint will follow. (Attach additional sheets as necessary)

Note: As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: _____
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: April 21, 2011
March
Date

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one),

☐ 60 days or more have elapsed.

☐ less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Right to Sue letter.

☒ has issued a Right to Sue letter, which I
received on MARCH 7, 2012.
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.


PLAINTIFF'S SIGNATURE

Dated: JUNE 5th 2012

107 Lakewood Drive
Address Phila PA 18337
646-769-0208
Phone Number



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800) 669-6820
District Office: (212) 336-3630
General FAX: (212) 336-3625

Angel Negron
107 Lakewood Drive
Milford PA 18337

Re: Negron v. New York City Transit Authority
EEOC Charge No.: 520-2011-02035

Dear Mr. Negron,

The Equal Employment Opportunity Commission (hereinafter referred to as the "EEOC") has concluded its inquiry into your allegation of discrimination. The EEOC has implemented charge prioritization procedures. The procedures call for us to allocate our resources to those charges that are most likely to result in findings of violations of the laws we enforce. In accordance with these procedures, the EEOC has evaluated your charge based on the evidence provided. The evidence fails to indicate that a violation of the law occurred and it is not likely that additional investigation will result in our finding a violation.

You allege that you were discriminated against by Respondent because of your race (Latino) and sex (male), in violation of Title VII of the Civil Rights Act of 1964, as amended. Specifically, you allege that you were qualified for the position of Surface Line Dispatcher but not selected for the promotion. You believe that 2 female, non-Latino employees, who are less qualified, were selected for the position.

Respondent submitted its position statement and denies that it unlawfully discriminated against you. Respondent has provided documentary evidence that of the 29 individuals that passed the New York City Department of Citywide Administrative Services (DCAS) civil service exam, only 2 were female. Further, of the 19 individuals selected for the promotion, 18 are male and 6 are of Hispanic background. Respondent states that you were not selected due to poor attendance and disciplinary records. Respondent has provided documentary evidence of the DCAS list and pertinent personnel records.

We have taken into consideration all of the evidence on file; however, it is very unlikely that EEOC would find a violation if it invested additional resources in this case. Therefore, your charge is dismissed. Enclosed is your Determination/ Notice of Right to Sue. The Determination is final. If you wish to pursue the charge on your own, you may file a lawsuit on your own in Federal District Court using the Notice of Right to Sue, within 90 days of your receipt of it. If you have any questions, you may contact Andrea Hahn at 212-336-3749.

Sincerely,


for Kevin Berry
District Director

3-7-12
Date

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Angel Negrón**
107 Lakewood Drive
Milford, PA 18337

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2011-02035

Andrea Hahm,
Investigator

(212) 336-3749

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry

Kevin J. Berry,
District Director

3-7-12

(Date Mailed)

Enclosures(s)

cc:

Richard Dreyfus
Executive General Counsel
NYC TRANSIT AUTHORITY
130 Livingston Street
12th Floor
Brooklyn, NY 11201